

AFFIDAVIT OF SERVICE

Index #: **07 Civ. 5469 (WHP)**

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Date Purchased: _____

Date Filed: _____

Court Date: _____

COUNTY

ATTORNEY(S): Kathleen A. Zebrowski AUSA : U.S. Attorney's Office - SDNY PH: 212-637-2710

ADDRESS: 86 Chambers Street New York N.Y. 10007 File No.: _____

JAMES RUSSO,
vs.
MP222 LLC, et al.,

Plaintiff(s)/Petitioner(s)

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF NASSAU

SS.:

STEEVE F. LOUIS, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides in New York State. On August 7, 2007 at 7:33 PMat 8509 158TH AVENUE HOWARD BEACH, NEW YORK 11414, deponent served the within**Third Party Summons In A Civil Action, Answer, Counterclaim, Crossclaim and Third-Party Complaint**with Index Number 07 Civ. 5469 (WHP), and Date Purchased _____ endorsed thereon,on: **JAMES RUSSO**, **Plaintiff** therein named.#1 INDIVIDUAL ☒ By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.#2 CORPORATION ☐ By delivering to and leaving with _____ and that deponent knew the person so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation.*Service was made in the following manner after your deponent was unable, with due diligence, to serve the witness/defendant in person, and an attempt to locate the defendant's place of employment.*#3 SUITABLE AGE PERSON ☐ By delivering a true copy of each to _____ a person of suitable age and discretion. Said premises is recipient's ☐ actual place of business ☐ dwelling house (usual place of abode) within the state.#4 AFFIXING TO DOOR ☐ By affixing a true copy of each to the door of said premises, which is recipient's: ☐ actual place of business ☐ dwelling house (place of abode) within the state.#5 MAIL COPY ☐ On _____, deponent completed service under the last two sections by depositing a copy of the _____ to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York. Certified Mail No. _____

Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat on the _____ day of _____ at _____ on the _____ day of _____ at _____ on the _____ day of _____ at _____ on the _____ day of _____ at _____

#6 NON-SRVC ☐ After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served because of the following: ☐ Unknown at Address ☐ Evading ☐ Moved left no forwarding ☐ Address does not exist ☐ Other: _____#7 DESCRIPTION ☒ A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:
(Use with #7, 2 or 5)
Sex Male Color of skin White Color of hair Black/Gra Age 36 - 50 Yrs. Height 5' 4" - 5' 8"
Weight 161 - 200 Lbs. Other Features: _____#8 WIT FEES ☐ The authorized witness fee and / or travelling expenses were paid (tendered) to the recipient.#9 MILITARY SRVC ☒ Deponent asked person spoken to whether the defendant was presently in military service of the United States Government or of the State of New York and was informed that defendant was not.#10 OTHER ☐Sworn to before me on this 8 day of August, 2007

BARBARA A. SHURGIN

NOTARY PUBLIC, State of New York

No. 30-5001737, Qualified in Nassau County

Commission Expires November 23, 2010

STEEVE F. LOUIS

Server's Lic. # 0868691

Invoice/Work Order # 0737853